

**Erie County of Erie
Legislation Law No. 5
Law Intro. No. 5
March 22 9:46 AM 1994**

A LOCAL LAW requiring a minority business and women - owned business utilization commitment by persons or firms contracting with the County of Erie for supplies, materials, equipment, and insurance :

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS :

SECTION NO. 1: After the effective date of this local law, the following provisions shall be inserted in and made a condition of all bid specifications prepared by the Erie County Division of Purchase for supplies , materials, equipment and insurance involving an expenditure of more than \$15, 000.00.

MINORITY AND WOMEN- OWNED BUSINESS UTILIZATION COMMITMENT

- 1. The supplier of all purchase contracts involving an expenditure of more than \$15,000.00 shall take affirmative action to utilize bonified minority **business enterprises (MBE) and women business enterprises (WBE)** on all contracts with the County. Affirmative action shall include, but not be limited :**
 - 1. Utilizing a source list of MBEs and WBEs ; and**
 - 2. Solicitation of bids from MBEs and WBEs ; and**
 - 3. Providing MBEs and WBEs sufficient time to submit proposals in response to solicitations; and**
 - 4. Maintaining records showing utilization of MBEs and/or WBEs specific efforts to identify and utilize these companies; and**
 - 5. A goal of awarding at least ten percent (10%) of the total dollar value of**

the contract to MBEs and at least two percent (2%) of the total dollar value of the contract to WBEs or, for those contracts governed by federal or state regulations with respect to MBE and/ or WBE hiring the prevailing percentage set forth therein, whichever is higher, subject to waiver as provided below.

- B. All bidders on each contract subject to this law shall submit to the County Equal Employment Opportunity Office (EEO), with the bid, a list of all MBEs and WBEs from whom the supplier has solicited bids, or with whom the supplier has signed a binding contractual agreement , or with whom the contractor is presently negotiating an agreement, for the purposes of meeting the MBE and WBE utilization goals provided in subdivision (A) (5) above. A supplier=s bid shall not be considered where the supplier fails to submit a list as provided for herein. A supplier=s bid shall not be considered where examination of said list of MBEs and WBEs evidences failure by the supplier to comply with the affirmative action requirements provided herein, except that the County may, upon written request by the supplier, grant a complete or partial waiver of the provisions of subdivision (A) (5) where the availability of MBEs and/or WBEs in market area of the contract is less than the ten percent (10%) MBE goal and the two percent (2%) WBE goal.**
- C. As evidence of compliance with the goals set forth in subdivision (A) (5) above, the supplier shall submit to the Director of Purchasing, at the bid opening, a schedule for MBE and WBE participation listing the MBEs and WBEs with whom the supplier intend to utilize; specifying the agreed upon price to be paid for such goods or services and identifying in detail the contract item or items to be supplied by each MBE and WBE. A copy of the participating schedule will be forwarded to the Division of EEO from the Division of Purchasing. Contingent upon a contract award, a letter of intent to enter into purchase agreement, signed by both the supplier and the MBE and/or WBE, indicating the agreed upon price and scope of work, shall be provided.**

- D.** As evidence of compliance with the goals set forth in subdivision (A) (5) above, the supplier shall provide to the County EEO Office, copies of all the subcontracts and/or purchase agreements with the MBEs and WBEs within fifteen (15) days of contract award.
- E.** For the purpose of this selection, the term **Aminority business enterprise@** shall mean a business which performs a commercially useful function, at least fifty-one percent (51%) of which is owned by minority group members or, in the case of a publicly-owned business, at least fifty-one percent (51%) of all stock is owned by minority group members. Such ownership shall be certified by the County EEO Office. For the purposes of this title paragraph, **Aminority group members@** are citizens of the United States who are African-American, Hispanic, Asian-American, and American-Indian.
- F.** For the purposes of this section, the term **A women- owned business enterprise@** shall mean a business which performs a commercially useful function, at least fifty-one percent (51%) of which is owned by a woman or women or, in the case of publicly-owned business, at least fifty-one percent (51%) of all stock is owned by a woman or women. Such ownership shall be certified by the County EEO Office.

SECTION NO. 2: The Legislature shall conduct hearings annually to assess the impact of this local law.

SECTION NO. 3: This local law shall take effect immediately.